

EXHIBIT B



From: Nemelka, Michael N. mnemelka@kellogghansen.com
Subject: Re: DMS MDL -- Under Seal Motion to Compel Reynolds
Date: September 29, 2018 at 11:57 AM
To: Brian T. Ross bross@gibbsbruns.com
Cc: Aundrea K Gulley agulley@gibbsbruns.com, Ho, Derek T. dho@kellogghansen.com, Dorris, Daniel V. ddorris@kellogghansen.com, Oak, Anna M. aoak@kellogghansen.com, Reynolds-Smrh-Pldg (sheppardmullin.com) Reynolds-smrh-pldg@sheppardmullin.com, ReynoldsTeam (gibbsbruns.com) reynoldsteam@gibbsbruns.com

Hi Brian,

Well, after some quick investigation, it looks like I sent the letter to our internal email list instead of Service External, which explains why you didn't get it! Nobody on our end caught it — perhaps due to the many emails sent in this case. Thank you for letting us know.

As for the issue in the motion, Reynolds already provided in its July letter the explanation for the redactions, which as we explain in the motion, we believe is insufficient. Unless Reynolds plans on providing unredacted copies of the two documents — which we have already asked for and Reynolds refused — we don't see a need to withdraw the motion. It is a simple issue, and there is no need to delay. We are happy to talk today or Monday if you would like. Please let us know.

As for the balance of the September 6 letter, now that you have it, if Reynolds plans on changing its position with respect to any of the other documents at issue, please let us know. As you see from the motion, we have not moved on those.

Thanks,
Mike

On Sep 29, 2018, at 11:41 AM, Brian T. Ross <bross@gibbsbruns.com> wrote:

Hi Mike,

We were surprised to see your motion last night, because it was the first we had heard of the issue since our exchange of letters in July.

In short, we don't appear to have received your September 6, 2018 letter that is attached to your declaration. I'm not disputing that you sent it or believe you sent it, but I don't recall it, cannot find it, and no one else on our team can find it. Nor can Britt at Mayer Brown, for that matter.

Frankly, I'm not sure if your meet-and-confer obligations would have been satisfied even if we had received the September 6 letter since we never had so much as a phone call or other conversation about this motion (I note that you were with Andi, our lead counsel, in person in Court two days ago), but we don't really have to debate that question given that we did not receive the letter.

In light of the above, I trust that you will withdraw this motion so that we can engage in a proper meet and confer. Assuming you do so, we will be glad to respond to the "September 6" letter, and talk about any remaining open issues therein, next week. Obviously Reynolds reserves all its rights here.

Thanks,

Brian

On Sep 28, 2018, at 7:39 PM, Nemelka, Michael N. <mnemelka@kellogghansen.com> wrote:

Brian,

As you probably saw, we have noticed this motion for October 5, when the parties will be before Judge Gilbert. Accordingly, we propose that Reynolds file its response brief by Wednesday (which is reasonable given the narrow scope of the motion), and we will agree to forgo any reply. If you agree, we can draft a stipulation to this effect for submission to Judge Gilbert. Please let us know.

Thanks,
Mike

From: Nemelka, Michael N.
Sent: Friday, September 28, 2018 8:00 PM
To: SERVICE-EXTERNAL-DMS-MDL <SERVICE-EXTERNAL-DMS-

MDL@lists.kellogghansen.com>

Subject: DMS MDL -- Under Seal Motion to Compel Reynolds

Dear Counsel,

Please see attached the under seal filings from tonight.

Thanks,
Mike

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<[2018 09 28](#) [400-2] UNDER SEAL Exhibit B.PDF><[2018 09 28](#) [400-3] UNDER SEAL Exhibit C.PDF>